UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IN RE THE BEAR STEARNS COMPANIES, INC. SECURITIES, DERIVATIVE, AND ERISA LITIGATION

This Document Relates To: Securities Action, No. 08 Civ. 2793 (RWS) Master File No.: 08 MDL 1963 (RWS)

ECF Case

BRUCE S. SHERMAN,

Plaintiff,

v.

BEAR STEARNS COMPANIES INC., JAMES CAYNE, WARREN SPECTOR AND DELOITTE & TOUCHE LLP,

Defendants.

Index No.: 09 Civ. 8161 (RWS)

FILED UNDER SEAL

DEFENDANTS' REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF THEIR MOTION TO EXCLUDE THE REPORT AND TESTIMONY OF JOHN D. FINNERTY

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
Brad S. Karp
John F. Baughman
Jessica S. Carey
Jonathan H. Hurwitz
1285 Avenue of the Americas
New York, New York 10019-6064
(212) 373-3000
Attorneys for Defendant The Bear Stearns
Companies Inc.

KRAMER LEVIN NAFTALIS & FRANKEL LLP
David S. Frankel
1177 Avenue of the Americas
New York, New York 10036
(212) 715-9100
Attorneys for Defendant James E. Cayne

WACHTELL, LIPTON, ROSEN & KATZ David B. Anders 51 West 52nd Street New York, New York 10019 (212) 403-1000 Attorneys for Defendant Warren J. Spector

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Dated: November 20, 2015 New York, New York

Respectfully Submitted,

PAUL, WEISS, PAFKIND, WHARTON & GARRISON LLP

By:

Brad S. Karp (bkarp@paulweiss.com)

John J. Baughman (jbaughman@paulweiss.com)

Jessica S. Carey (jcarey@paulweiss.com)

Jonathan H. Hurwitz (jhurwitz@paulweiss.com)

1285 Avenue of the Americas New York, New York 10019-6064 (212) 373-3000 Attorneys for Defendant The Bear Stearns Companies Inc.

David S. Frankel (dfrankel@kramerlevin.com)
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 Avenue of the Americas
New York, New York 10036
(212 715-9100)
Attorneys for Defendant James E. Cayne

David B. Anders (DBAnders@wlrk.com)
WACHTELL, LIPTON, ROSEN & KATZ
51 West 52nd Street
New York, New York 10019
(212) 403-1000
Attorneys for Defendant Warren J. Spector